

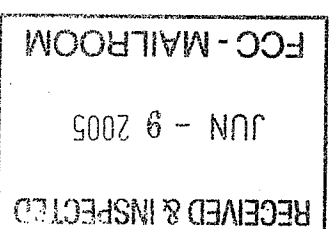
FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, DC 20554

JUN 08 2005

In Reply Refer to:
1800B3

Mr. John O. Broomall
Christian Community FM
2180 Pleasant Hill Road, Suite A5225
Duluth, GA 30096

M&M Community Development, Inc., Lafayette Branch
Suite 250
315 College Street
Lafayette, LA 70508



In re: KZJM-LP, Lafayette, LA
M&M Community Development, Inc., Lafayette
Branch
Facility ID No. 123730
File Nos. BNPL-20000602AAX (permit)
BLL-20030206ACS (license)

Dear Mr. Broomall and Applicant:

On June 2, 2000, M&M Community Development, Inc., Lafayette Branch ("M&M"), filed the captioned application (BNPL-20000602AAX) for construction permit for a new Low Power FM ("LPFM") facility in Lafayette, Louisiana. The staff granted the unopposed application on July 31, 2001.¹ On September 24, John A. Broomall, on behalf of Christian Community FM, filed an Informal Objection to the granted M&M application. Subsequently, M&M timely constructed the facility and filed an application (File No. BLL-20030206ACS) for covering license. For the reasons set forth below, we dismiss the Informal Objection and grant the M&M covering license application.

Informal Objection. Section 73.3587 of the Commission's rules,² mandates that an Informal Objection be filed *before* Commission action on an application. As noted, the staff granted M&M's unopposed application on July 31, 2000. The informal objection therefore is not timely filed and will be dismissed.³

Moreover, the Informal Objection also is untimely were we to consider it as a Petition for Reconsideration of the grant of M&M's Lafayette construction permit application. As *Public Notice* of the grant was issued on August 3, 2001, petitions for reconsideration were due no later than September 4,

¹ *Public Notice* of the grant was issued on August 3, 2001. See *Broadcast Actions*, Report No. 45041, p. 4.

² 47 C.F.R. § 73.3587.

³ See *Aspen FM, Inc.*, 12 FCC Rcd 17852, 17856 (1997) (affirming staff dismissal as untimely of an informal objection not filed prior to grant of an application).

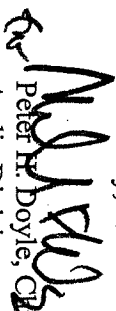
2-B45 v
M. Maguire

2001.⁴ The Commission lacks authority to extend or waive the statutory 30-day filing period for petitions for reconsideration unless the petitioner shows that its failure to file in a timely manner resulted from "extraordinary circumstances."⁵ Mr. Broomall did not present an explanation for the late filing of its reconsideration request. Hence, he has not demonstrated the "extraordinary circumstances" contemplated by *Gardner*.⁶

License application. We have examined M&M's covering license application for KZJM-LP, and we find that the station has been constructed in accordance with all terms and conditions of its authorization and that grant of the application would further the public interest, convenience, and necessity.

Conclusion/actions. Accordingly, in light of the above discussion, the September 24, 2001 Informal Objection filed by John A. Broomall IS DISMISSED, and the license application (File No. BLL-20030206ACS) of M&M Community Development, Inc., Lafayette Branch, for station KZJM-LP IS GRANTED.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosures

⁴ See 47 U.S.C. § 405, 47 C.F.R. §§ 1.45, 1.106.

⁵ See *Gardner v. FCC*, 530 F.2d 1086, 1091-92 (D.C. Cir. 1976) ("*Gardner*").

⁶ See *Roy E. Henderson d/b/a Pueblo Radio Broadcasting Service*, 6 FCC Rcd 1416 (1991), citing *Reuters Limited v. FCC*, 781 F.2d 946 (951-52); *Richardson Independent School District*, 5 FCC Rcd 3135, 3135 ¶ 6 (1990), and *Metro Media, Inc.*, 56 F.C.C.2d 909, 909-10 ¶ 2 (1975, *recon. denied*, 59 F.C.C.2d 1189 (1976)). See also *Scrpps-Howard Broadcasting Co.*, 69 F.C.C.2d 1477 (1978) (citing *Gardner*, 30-day filing limit might be waived or extended where party demonstrates that a delay in actual notification of Commission action made it impossible to reasonably comply with the filing statute).